

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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: UNITED STATES OF AMERICA, : 15-CR-00637 (KAM)  
: :  
: v. : 225 Cadman Plaza East  
: Brooklyn, New York  
: EVAN GREEBEL, :  
: March 28, 2018  
: Defendant. :  
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TRANSCRIPT OF CIVIL CAUSE FOR TELEPHONIC CONFERENCE  
BEFORE THE HONORABLE KIYO A. MATSUMOTO  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

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Proceedings recorded by electronic sound recording, transcript  
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1 (Proceedings began at 5:38 p.m.)

2 THE COURT: Hello. Good afternoon. This is Judge  
3 Matsumoto. The case is U.S. v. Greebel, 15-CR-00637. May I  
4 have the parties' appearances starting with the Government,  
5 please?

6 MS. SMITH: Good afternoon, Your Honor. It's Eleis  
7 Smith and also on the line are David Pitluck and David Kessler  
8 for the Government.

9 THE COURT: Thank you. Good afternoon.  
10 And for the defense.

11 MR. BRODSKY: Good afternoon, Your Honor. Reed  
12 Brodsky and Luke Roniger for Mr. Greeble.

13 THE COURT: Okay. Thank you. Is Mr. Greeble on the  
14 line?

15 MR. BRODSKY: Mr. Greeble is not, Your Honor.

16 THE COURT: Oh, okay. Well, this is a scheduling  
17 issue. I just -- do you think he would like to be included on  
18 the line or --

19 MR. BRODSKY: No, we can waive his appearance, Your  
20 Honor. We did tell him that we were having this call for  
21 scheduling purposes.

22 THE COURT: Okay. Well, Mr. Brodsky, we scheduled  
23 this because of your letter. As you know we scheduled the  
24 oral argument in March. On March 19th, I believe. And didn't  
25 hear until I believe this morning that April 6th was going to

1 be a problem for you. We will be in the middle of a -- in a  
2 multi-week civil trial and had moved a lot of things around to  
3 accommodate the oral argument on the 6th. And I understand  
4 you are planning to be away. But is it possible that one of  
5 your colleagues could stand in, Mr. Mastro or Mister -- you  
6 know, any of the other members of the trial team, all of whom  
7 were obviously very competent to handle a Rule 29 and  
8 forfeiture issues?

9 MR. BRODSKY: This is what I was hoping, Your Honor.  
10 I was hoping that that would be the case, but I -- I spoke to  
11 Evan about it on March 26th and he -- which was Monday and he  
12 expressed to me that he would like me to make a fee argument  
13 and that that's what prompted me to say, well, I'm not going  
14 to be here for it. And that's why I made the request.

15 THE COURT: Well, okay. The second question is, can  
16 you come back to do the argument on Friday, the 6th, or is  
17 that --

18 MR. BRODSKY: Well --

19 THE COURT: Are you -- I mean, I think you indicated  
20 you're going to be out of town, is that right?

21 MR. BRODSKY: I'm going to be out of the country --

22 THE COURT: Uh-huh, okay.

23 MR. BRODSKY: I mean --

24 THE COURT: Okay. Well, what --

25 MR. BRODSKY: I haven't taken a vacation, Your

1 Honor, in about three years and my wife --

2 THE COURT: Well --

3 MR. BRODSKY: If I said yes to that question that I  
4 could be back but my wife and children would be very  
5 disappointed.

6 THE COURT: All right. Well, I know that not having  
7 vacations, trust me. But the only other alternative, because  
8 I will be in a trial, would be to look at the 13th of April  
9 which is a following Friday. I mean, I -- as I said, I'll be  
10 in a trial, but I'm going to have to let my jurors go early  
11 and I could start at 1:30 at the very -- you know, and I  
12 would like to think that the parties would be able to complete  
13 their arguments both on the Rule 29 and the forfeiture in an  
14 hour and a half each. Is that doable? Because I don't really  
15 honestly see why there would be more time necessary given the  
16 extensive nature of the briefing. And did the parties  
17 anticipate needing more time than that?

18 MR. BRODSKY: I mean, I just think it would be --

19 MS. SMITH: [Indiscernible], Your Honor.

20 THE COURT: I beg your pardon?

21 MR. BRODSKY: Your Honor, I think the -- sorry.

22 THE COURT: One at a time. Sorry because -- okay.

23 MR. BRODSKY: Sorry.

24 MS. SMITH: Your Honor, for the Government. April  
25 13th after 1:30 is fine and we don't anticipate needing even

1 that amount of time.

2 THE COURT: Okay. Thank you.

3 Mr. Brodsky?

4 MR. BRODSKY: Yes, Your Honor. I think that would  
5 be fine by us in terms of time and we would definitely want to  
6 respond to Your Honor's questions. So whatever time that  
7 would be we'll be there, able to do so.

8 THE COURT: All right. And I'm hoping it won't  
9 present -- I mean, if we start at 1:30, which will -- you  
10 know, the reason I'm saying 1:30 is because then I won't lose  
11 a whole trial day. I know that when the -- before Daylight  
12 Savings we had some issues on Fridays and I just want to make  
13 sure that that won't present a problem for Mr. Greeble either.

14 MR. BRODSKY: I think if we had to continue in --  
15 towards the evening or when the sun was going down Mr. Greeble  
16 would have to go -- he would just have to leave at some point.

17 THE COURT: You know, I think the sun by then will  
18 be going down probably by 7:00 and I don't think we're going  
19 to be here by 7:00. In fact, I may not let you be here by  
20 7:00. In fact, the court reporters won't let us go on till  
21 7:00. So I do think that in all likelihood that shouldn't  
22 present a problem, but I -- and you will go first,  
23 Mr. Brodsky, because it's your motion. So he will hear  
24 everything you have to say and everything the Government has  
25 to say and I think if the Government thinks it's going to be

1 taking less than an hour and a half, we should be able to  
2 finish before we might have to leave. But I just wanted to  
3 make sure, though, that wasn't going to be an issue because  
4 really it's going to be very difficult for me to even  
5 accommodate this and I -- you know, I would have to say that  
6 if this doesn't work then we'll just have to just maybe have  
7 one of your very able colleagues fill in if it doesn't work on  
8 the 13th, but I'm hoping that we can make it work.

9 MR. BRODSKY: We'll make -- yeah, we'll make the  
10 13th work, Your Honor.

11 THE COURT: Okay.

12 MR. BRODSKY: Make it work.

13 THE COURT: All right. So I will see you at 1:30  
14 and we will hear arguments on both the defense motion and the  
15 forfeiture issues. All right. And is there anything else I  
16 should address? Okay.

17 MS. SMITH: No, Your Honor. Thank you.

18 THE COURT: Okay. The only thing, Mr. Brodsky, I  
19 know we probably won't be having that many occasions to see  
20 each other, at least in this case. But I would really  
21 appreciate it if you would in the future notify us immediately  
22 if there's a scheduling conflict because I just had a large  
23 group of lawyers in for this trial yesterday and we made the  
24 schedule based on, you know, the anticipated motion on April  
25 6th in this case -- in the Greeble case, so it would have been

1 just more convenient and certainly courteous to have let us  
2 know early that there was a problem. And I know that we've  
3 got a --

4 MR. BRODSKY: I'm sorry, Your Honor.

5 THE COURT: No. I'm just asking because you might  
6 not have realized that you had a conflict in your calendar,  
7 but I'm assuming that if you're going out of the country you  
8 would have known that you were doing that and it would have  
9 been nice to know before we set all the other calendar, you  
10 know, demands in place. But in any event, we will go forward  
11 on the 13th, then. Okay.

12 MR. BRODSKY: Thank you, Your Honor.

13 THE COURT: All right.

14 MR. BRODSKY: I appreciate it.

15 THE COURT: All right. Thank you. We'll see you  
16 then. Have a nice trip. Bye.

17 MR. BRODSKY: Oh, thank you.

18 (Proceedings concluded at 5:46 p.m.)

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I certify that the foregoing is a court transcript  
from an electronic sound recording of the proceedings in the  
above-entitled matter.

A handwritten signature in black ink, appearing to read "Ruth Ann Hager", is written above a horizontal line.

Ruth Ann Hager, C.E.T.\*\*D-641

Dated: September 19, 2018